

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.:	10/070,339)	Confirmation No.:
)	
Applicant:	Feick et al.)	TC/A.U.
)	
Filed:	01/17/2003)	Examiner:
)	
Docket No.:	4366DMG-16-PUS)	
)	
For:	METHOD AND APPARATUS FOR)	
	COMMUNICATING DATA)	
	WITHIN MEASUREMENT)	
	TRAFFIC)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

Applicant submits this Comments on Statement of Reasons for Allowance to address further the Notice of Allowability ("Notice") having a mailing date of September 16, 2009.

In the Notice, the Examiner's stated reasons for allowance were that:

The prior art does not teach nor render obvious each and every limitation of the claimed invention. Specifically, the prior art does not teach communicating data measurement statistics within measurement traffic by determining a delay average for the first plurality of one or more measurement packets by analyzing at least two packets from the first plurality of one or more measurement packets; determining a jitter average for the first plurality of one or more measurement packets by analyzing at least two packets from the first plurality of one or more measurement packets; and combining the jitter average and delay average for the first plurality of one or more measurement packets into a single value; and including the single value in the data measurement statistics.

Based on the Notice, the patentability of all other independent and dependent claims is assumed to be based upon the elements as set forth in such claims and that such claims meet all criteria for patentability under §101, §102, §103 and §112.

As is clear from MPEP 1302.14,

“The statement [of reasons for allowance] is not intended to necessarily state all the reasons for allowance or all the details why claims are allowed and should not be written to specifically or impliedly state that all the reasons for allowance are set forth.”

While the above-stated may be a stated reason for allowing some independent claims, Applicant submits that some independent claims have a different reason for allowance and that some independent claims have other reasons for allowance.

Specifically, the prior art fails to teach the following features of Claims 1, 4, 9, and 39.

1. A method for communicating data within measurement traffic, the method comprising:
 - sending a plurality of one or more measurement packets over a plurality of one or more paths, each of the first plurality of one or more measurement packets having a common source and destination IP address, each of the plurality of one or more paths traversing at least a portion of an internetwork, and each of the plurality of one or more measurement packets including:
 - information for a receiver of the measurement packet to compute measurements of performance characteristics of at least a portion of the path of the measurement packet, and data including control data comprising instructions that direct a receiver of the measurement packet to change one or more configuration parameters of the receiver, the data further including one or more of measurement statistics, a generic communication channel, and network information; and
 - determining a delay average for the plurality of one or more measurement packets by analyzing at least two packets from the plurality of one or more measurement packets;
 - determining a jitter average for the plurality of one or more measurement packets by analyzing at least two packets from the plurality of one or more measurement packets; and
 - combining the jitter average and delay average for the plurality of one or more measurement packets into a single value; and
 - including the single value in the data measurement statistics.

4. A method for communicating data within measurement traffic, the method comprising:
 - receiving a plurality of one or more measurement packets over a plurality of one or more paths, each of the plurality of one or more measurement packets being assigned a sequence number from a range of sequence numbers, each of the plurality of one or more paths traversing at

least a portion of an internetwork, and each of the plurality of one or more measurement packets including:

- information for a receiver of the measurement packet to compute measurements of performance characteristics of at least a portion of the path of the measurement packet, the information including the assigned sequence number,

- data including control data directing a receiver of the measurement packet to change one or more configuration parameters of the receiver, the data further including one or more of measurement statistics, a generic communication channel, network information; and

- determining a delay average for the plurality of one or more measurement packets by analyzing at least two packets from the plurality of one or more measurement packets; and

- determining a jitter average for the plurality of one or more measurement packets by analyzing at least two packets from the plurality of one or more measurement packets; and

- combining the jitter average and delay average for the plurality of one or more measurement packets into a single value; and

- including the single value in the data measurement statistics.

9. A method for communicating data within measurement traffic, the method comprising:

- sending a first plurality of one or more measurement packets over a first plurality of one or more paths, each of the first plurality of one or more measurement packets having a common source and destination IP address, each of the first plurality of one or more paths traversing at least a portion of an internetwork, and each of the first plurality of one or more measurement packets including:

- information for a receiver of the measurement packet to compute measurements of performance characteristics of at least a portion of the path of the measurement packet, the performance characteristics including at least one of averages, deviations, and variances determined by analyzing at least two of the first plurality of one or more measurement packets,

- data including control data directing a receiver of the measurement packet to change one or more configuration parameters of the receiver, the data further including one or more of measurement statistics, a generic communication channel, network information,

- receiving a second plurality of one or more measurement packets over a second plurality of one or more paths, each of the second plurality of one or more paths traversing at least a portion of an internetwork, and each of the second plurality of one or more measurement packets including:

- information for a receiver of the measurement packet to compute measurements of performance characteristics of at least a portion of the path of the measurement packet, and

data including control data directing a receiver of the measurement packet to change one or more configuration parameters of the receiver, the data further including one or more of measurement statistics, a generic communication channel, network information; and

determining a delay average for the plurality of one or more measurement packets by analyzing at least two packets from the plurality of one or more measurement packets;

determining a jitter average for the plurality of one or more measurement packets by analyzing at least two packets from the plurality of one or more measurement packets; and

combining the jitter average and delay average for the plurality of one or more measurement packets into a single value; and
including the single value in the data measurement statistics.

39. A networking system, comprising:

a plurality of one or more devices communicating at least a first plurality of one or more measurement packets over a first plurality of one or more paths, each of the plurality of one or more measurement packets being assigned a sequence number from a range of sequence numbers, each of the first plurality of one or more paths traversing at least a portion of an internetwork, and each of the first plurality of one or more measurement packets including:

information for a receiver of the measurement packet to compute measurements of performance characteristics of at least a portion of the path of the measurement packet, the performance characteristics including at least one of averages, deviations, and variances determined by analyzing at least two of the plurality of one or more measurement packets, and

data including control data directing a receiver of the measurement packet to change one or more configuration parameters of the receiver, the data further including one or more of measurement statistics, a generic communication channel, network information; and

determining a delay average for the plurality of one or more measurement packets by analyzing at least two packets from the plurality of one or more measurement packets;

determining a jitter average for the plurality of one or more measurement packets by analyzing at least two packets from the plurality of one or more measurement packets; and

combining the jitter average and delay average for the plurality of one or more measurement packets into a single value; and
including the single value in the data measurement statistics.

Although the Applicant believes that no fees are due for filing this Comments on Statement of Reasons for Allowance, please charge any fees deemed necessary to Deposit Account No. 19-1970.

Respectfully submitted,

SHERIDAN ROSS P.C.

Date: Oct 2, 2009

By: Douglas W. Swartz

Douglas W. Swartz

Reg. No. 37,739

1560 Broadway, Suite 1200

Denver, Colorado 80202

Telephone: 303-863-9700